

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claim 8 has been amended consistent with 35 U.S.C. § 101. Claims 9 and 10 have been added by way of the present amendment and support is found for example at paragraph [0142], and therefore no new matter is added.

In the outstanding Office Action, Claims 1-5 and 8 were rejected as being unpatentable over Shoff (U.S. Patent No. 6,240,555) in view of Tomsen (U.S. Patent Publication No. 2002/0013950); Claims 6-7 were rejected as being unpatentable over Shoff in view of Tomsen and in further view of Hrastar (U.S. Patent Publication No. 2008/0046951); and Claim 8 was rejected under 35 U.S.C. § 101.

In reply, Applicants traverse the assertion that Shoff in view of Tomsen disclose all of the elements of Claim 1. Tomsen is asserted for disclosing the claimed setting means and control means. In particular, Claim 1 defines “setting means for setting a frequency for the broadcast signal that can be received and for recording frequency information about the frequency set, in a predetermined recording medium.” The Office Action asserts that this feature is found in Figures 1-3 and paragraphs [0026]-[0027] in Tomsen, where a merchant list is stored on ATVEF standard, which are television frequencies. Applicants respectfully traverse this characterization.

Tomsen is directed to a method and system to save context for deferred transaction via interactive television. A participating merchant list 153 operates as a “white” list that allows transmission of triggers from authorized merchants and filters out other triggers [0026]. Triggering, announcement, or resource information can be included and sent using the ATVEF (Advanced Television Enhancement Form) standard which permits the addition of URL addresses to be embedded in a broadcast stream, for example. However, Claim 1 requires setting a frequency for the broadcast signal that can be received and for recording

frequency information about the frequency set in a predetermined recording medium. In contrast, Tomsen does not set the frequency for the broadcast signal nor recording the frequency information about the frequency set. As such, Tomsen fails to disclose the “setting means” of Claim 1.

The Office Action also asserts that Tomsen discloses the claimed control means. For clarity, the claimed control means is “for causing the display means to display a list of broadcast stations corresponding to at least one frequency set, in accordance with the frequency information set by the setting means, for acquiring the content-related information disclosed by the broadcast station selected from the list, and for causing the display means to display the content-related information” (emphasis added).

The Office Action asserts that these features are described in Tomsen at paragraph [0025]-[0028]. However, as discussed above, Tomsen is not believed to describe anything akin to a setting means that sets the frequency for the broadcast signal that can be received and for recording the frequency information about the frequency set. Consequently, neither can Tomsen have control means that displays the list of broadcast stations corresponding to at least one frequency set, in accordance with the frequency information set by the setting means. As such, it is believed that Claim 1 patentably defines over Shoff in view of Tomsen, because the combination of Shoff in view of Tomsen does not disclose all the elements of Claim 1.

Although of differing statutory class and/or scope it is respectfully submitted that Claims 2-5 and 8 also patentably define over Shoff in view of Tomsen for substantially the same reasons discussed above with regard to Claim 1.

Hrastar is asserted for its disclosure regarding authentication features as claimed. Assuming *arguendo* that Hrastar does disclose these features, the teachings in Hrastar do not cure the deficiencies discussed above with regard to Tomsen and Shoff with regard to Claim

1. Therefore no matter how Shoff and Tomsen are combined with Hrastar, the combination would fail to teach or suggest all the features of Claim 1. For substantially the same reasons Claim 5 is believed to be patentable as well as dependent Claims 6 and 7.

Newly added Claims 9 and 10 are dependent claims that depend from Claims 1 and 5, respectively. As such, it is believed that Claims 9 and 10 also patentably define over the asserted prior art.


Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-10 is statutory and patentably distinguishing over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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